

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

PATRICK ROTH

Plaintiff,

v.

JOHN RICKETTS (BADGE #1126);
And OKLAHOMA CITY

Defendants.

Case No. civ-19-903-G

PLAINTIFF'S RULE 26(a)(1) INITIAL DISCLOSURES

NOW COMES Plaintiff, Patrick Roth, by and through his attorneys, Solomon M. Radner and Excolo Law, PLLC, and for his initial disclosures pursuant to Fed. R. Civ. P. Rule 26(a)(1), submits the following Initial Disclosures:

I. Fed. R. Civ. P. 26(a)(1)(A)(i) - Currently Known Witnesses

1. **Patrick Roth c/o Excolo Law, PLLC.** Will testify regarding his observations and interactions with Defendant Ricketts on the date in question, and statements made by all parties present.
2. **John Ricketts (Badge 1126), c/o Ambre C. Gooch, Esq.** Will testify regarding his observations and interactions with Plaintiff on the date in question, and statements made by all parties present.
3. **Gaylene Ricketts, c/o Ambre C. Gooch, Esq.** Will testify regarding her observations and interactions with Plaintiff and Defendant Ricketts on the date in question, and statements made by all parties present.
4. **Policy Maker for the City of Oklahoma City c/o Sherri R. Katz, Esq.** It is anticipated that The City of Oklahoma will testify regarding its understanding of the events that brought this lawsuit, and the written and unwritten police policies in place regarding citizens filming police officers in public, detentions/arrests, and

property seizures.

5. All employees, agents, contractors and/or representatives of the City of Oklahoma, Oklahoma Police Department, and/or Oklahoma County, both current and past, with knowledge of the facts described in Plaintiff's Complaint, or the Defendants' defenses;
6. All fact witnesses with knowledge of the facts described in Plaintiff's Complaint, or the Defendants' defenses, unknown to Plaintiff at this time;
7. All agents, employees and representatives of Defendants with knowledge relevant to the instant litigation, to be determined through the course of discovery;
8. All agents, employees and representatives of the City of Oklahoma and Oklahoma County responsible for writing, implementing and overseeing the city and county's various policies, procedures and training courses its police employees, agents, representatives and contract-employees follow in their course of duty.
9. Experts to be determined through the course of discovery;
10. All witnesses listed by Defendants;
11. Any rebuttal witnesses, as necessary;
12. All witnesses that future discovery may identify;
13. All individuals who are deposed;
14. All individuals identified in any deposition transcripts, answers to interrogatories, and all other discovery responses; and
15. Plaintiff reserves the right to name further lay witnesses and expert witnesses

as discovery is ongoing.

II. Fed. R. Civ. P. 26(a)(1)(A)(ii) – Documents & Exhibits

- i. Kfor.com article “Oklahoma City police respond to video viewed thousands of times”
- ii. News9.com article “WATCH: OKC Police Officer Caught Apparently Sleeping on the Job”
- iii. Photos of Plaintiff’s injuries (Img_1688, Img_1689, Img_1690, Img_1691)
- iv. Plaintiff’s cell phone video
- v. All defendants’ personnel files including performance evaluation review sheets, disciplinary history, citizen complaints, education records, and training history records.
- vi. All written documentation kept by defendants in the regular course and scope of business operations, including but not limited to handbooks, policy manuals, training manuals, international property maintenance code and the like, that is relevant to the instant litigation, and determined through the course of discovery.
- vii. All emails, notes, memos, text messages, letters, or other written documentation exchanged between defendants or written by defendants and sent to anyone other than their attorney, that are relevant to the instant litigation, and determined through the course of discovery.
- viii. Any and all additional photos and video recordings relative to the incident described in the complaint, not presently in Plaintiff’s possession.
- ix. Any and all exhibits listed by Defendants.

- x. Any rebuttal exhibits.
- xi. Any and all exhibits revealed through future discovery.
- xii. All exhibits identified in deposition transcripts, answers to interrogatories and other discovery responses.

III. Fed. R. Civ. P. 26(a)(1)(A)(iii) - Damages

- i. As a direct and proximate result of the Defendants' actions, Plaintiff suffered injuries and damages including, but not limited to, the following:
 - 1. Psychological and physical pain and suffering, and other non-pecuniary losses unliquidated, in a sum that cannot be calculated at this time and is to be determined by a jury;
 - 2. Punitive damages in a sum that cannot be calculated at this time and is to be determined by a jury; and
 - 3. Costs and reasonable attorney's fees in a sum that cannot be calculated at this time and is to be determined.

IV. Fed. R. Civ. P. 26(a)(1)(A)(iv) - Insurance Agreement

- i. Plaintiffs, at this time, are not aware of an insurance agreement which may be liable to satisfy all or part of a judgment that may be entered in this matter.

Plaintiff reserves the right to supplement and/or amend these disclosures pursuant to Rule 26(a) and 26(e) of the Federal Rules of Civil Procedure.

Respectfully submitted,

EXCOLO LAW, PLLC

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Dated: February 7, 2020

CERTIFICATE OF SERVICE

Undersigned hereby affirms that on February 7, 2020 he served a copy of the foregoing Plaintiff's Fed. R. Civ. P. 26(a)(1) Initial Disclosures, in the above captioned matter, via email and electronic filing service to:

Sherri R. Katz, email at: sherri.katz@okc.gov
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/s/ Solomon M. Radner
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